

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHERYL E. FARB and  
HAROLD R. NEWMAN,

Plaintiffs,

MEMORANDUM AND ORDER  
05-CV-0596(JS) (ETB)

- against -

BALDWIN UNION FREE SCHOOL  
DISTRICT, BALDWIN UNION FREE  
SCHOOL DISTRICT BOARD OF  
EDUCATION, JAMES BROWN in his  
official capacity as Principal  
and individually, ARLENE  
GUERRERO in her official  
capacity as Assistant Principal  
and individually, and DR. LEE  
CHAPMAN in his former official  
capacity as Deputy  
Superintendent and individually,

Defendants.

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APPEARANCES:

For Plaintiffs: Fred P. Bennett, Esq.  
1800 Walt Whitman Road  
Melville, New York 11747

For Defendants: Lewis R. Silverman, Esq.  
Jennifer H. Pymm, Esq.  
Rutherford & Christie, LLP  
369 Lexington Avenue  
New York, New York 10017

SEYBERT, District Judge:

Pending before the Court is Plaintiffs' application requesting permission for Dr. Margaret Freedman to testify telephonically. Plaintiffs' application is DENIED. Plaintiffs have not shown a compelling reason to permit Dr. Freedman to testify telephonically. See Gulino v. Bd. of Educ., No. 96-CV-8414, 2003 U.S. Dist. LEXIS 4907, at \*2-3 (S.D.N.Y. Mar. 28, 2003)

(rejecting application to permit witness to testify telephonically or via video-conference). "The importance of presenting live testimony in court cannot be forgotten. . . . Transmission cannot be justified merely by showing that it is inconvenient for the witness to attend the trial." Id. (quoting Fed. R. Civ. P. 43 Advisory Committee's Note).

SO ORDERED

151 JOANNA SEYBERT  
Joanna Seybert, V/S.D.J.

Dated: Central Islip, New York  
April 20, 2009